

ADVISORY OPINION 1999-015

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

November 19, 1999

Mr. Michael Lewis
2222 Dorothy Avenue
Louisville, KY 40205

Dear Mr. Lewis:

This is in response to your October 19, 1999 request for an advisory opinion regarding your support of Gatewood Galbraith for Governor. Your letter poses a series of questions, which are virtually the same as the questions to which the Registry responded in KREF Advisory Opinion 1999-014 to Mr. John M. Riley. Therefore, the Registry adopts its responses in KREF Advisory Opinion 1999-014 in reply to your questions.

In addition to your questions, you attach for the Registry's review copies of handbills opposing vehicle emissions, which you intend to distribute. The first proposed handbill identifies Gatewood Galbraith and Kathy Lyons as candidates for Governor and Lieutenant Governor and states that they "are listening and oppose the test." In lieu of this statement, the second handbill claims to quote and interpret KRS 121.990.

Your second handbill does not expressly advocate the election or defeat of a clearly identified candidate or slate of candidates. There is nothing in KRS Chapter 121 to regulate handbills advocating solely public issues, which are not on the ballot.

Your first handbill identifies candidates "for Governor and Lieutenant Governor." KRS 121.190(1) requires handbills advocating the election or defeat of a clearly identified candidate to contain a disclaimer identifying the source of funds for the advertising.¹ Under the landmark case of Buckley v. Valeo,² express words of advocacy

¹ "All newspaper or magazine advertising, posters, circulars, billboards, handbills, sample ballots, and paid-for television or radio announcements which expressly advocate the election or defeat of a clearly identified candidate, slate of candidates, or group of candidates for nomination or election to any public office shall be identified by the words 'paid for by' followed by the name and address of the individual or committee

November 19, 1999

include language such as “Smith for Congress.”³ Therefore, provided copies of your first handbill are produced and distributed as an independent expenditure, in the manner described in KREF Advisory Opinion 1999-014, and provided they include a proper disclaimer as required by KRS 121.190(1), there is no violation of Kentucky election finance statutes.

This opinion reflects the Registry’s consideration of the specific transactions posed by your letter. If you have any additional questions, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center

Enclosure: KREF Advisory Opinion 1999-014

RFC/jh

which paid for the communication ...” KRS 121.190(1). “[H]owever, nothing in subsection (1) of this section shall be construed to require editors, or editorial writers of newspapers and magazines to identify themselves in the manner therein required with any article or editorial written by them as part of their duties as an employee or employer.” KRS 121.190(2).

² 424 U.S. 1 (1976).

³ Id. at 44, n.52.